

Michael John McKeon, Jr.
Michael J. McKeon
McKEON LAW, PLLC
P. O. Box 3329
2825 Lexington
Butte, Montana 59701
Phone: (406) 494-8890
Facsimile: (406) 494-7066

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

MAGGIE HORNE,)	Cause No. _____
)	
Plaintiff,)	COMPLAINT AND DEMAND
)	FOR JURY TRIAL
vs.)	
)	
JEREMY S. EMRICK and ENERGY)	
TRANSPORTATION, INC., a Wyoming)	
corporation,)	
)	
Defendants.)	

COMES NOW Plaintiff, Maggie A Horne, and for complaint against
Defendants, states as follows:

NATURE OF ACTION

1. This is a civil action to recover damages sustained by Plaintiff as a result of Defendants' negligence.

JURISDICTION AND VENUE

2. Federal jurisdiction is invoked pursuant to § 28 U.S.C. 1332, diversity jurisdiction. Plaintiff and Defendants are citizens of different states and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.

3. The factual basis for this Complaint occurred in Dawson County, Montana. Venue in the Billings Division is therefore proper pursuant to § 28 U.S.C. 1391 and Rules 105-1 and 105-3 of the Rules of Procedure of the United States District Court for the District of Montana.

PARTIES TO THIS ACTION

4. Plaintiff, Maggie A. Horne ("Horne"), for all times relevant herein, is a citizen of the State of Montana.

5. Defendant, Jeremy S. Emrick ("Emrick"), for all times relevant herein, is a citizen of the State of Wyoming.

6. Defendant, Energy Transportation, Inc ("ETI"), for all times relevant herein, is a corporation based, and having its principal place of business, in the State of Wyoming and is the employer of Defendant Emrick.

FACTS COMMON TO ALL COUNTS

7. On October 3, 2010, Plaintiff was a passenger in a vehicle traveling northbound on Highway 16 when it came upon a group of turkeys on the highway. To avoid hitting them and oncoming traffic, the driver of Horne's vehicle slowed to a complete stop to allow the turkeys to cross the highway.

8. Emrick, who was in the course and scope of his employment with ETI, was driving a semi-trailer and following the Horne vehicle.

9. Horne's vehicle was negligently struck from the rear by Emrick's semi-trailer after just beginning to regain speed subsequent to stopping to allow the turkeys to move out of the lane of traffic.

10. Horne sustained severe and permanent bodily injuries as a result of the negligence of Emrick.

11. At the time of the accident, Emrick was within the course and scope of his employment with ETI and pursuant to the doctrine of respondeat superior, ETI is liable for the acts of its employees and is liable for all damages caused by Emrick.

WHEREFORE, Maggie A. Horne, respectfully prays for judgment against Defendants sufficient to fully compensate Horne for all of her injuries, damages, and losses in an amount to be determined by the jury at the trial of this cause, for costs of suit, and for such other and further relief as the Court may deem appropriate under the circumstances.

DATED this 21st day of January, 2011.

By /s/ Michael John McKeon, Jr.
Michael John McKeon, Jr.
McKEON LAW, PLLC

Demand for Jury Trial

Plaintiff hereby demands trial by jury.

DATED this 21st day of January, 2011.

By /s/ Michael John McKeon, Jr.
Michael John McKeon, Jr.
McKEON LAW, PLLC